

1
2
3
4
5
6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
8

9 UNITED STATES OF AMERICA,)

10 Plaintiff,)

11 vs.)

12 MARY ELIZABETH SCHIPKE,)

13 Defendant.)
14

NO. CR 04-02195-TUC-CKJ(BPV)

**REPORT AND RECOMMENDATION
ON REVOCATION PROCEEDINGS
(VIOLATION OF SUPERVISED
RELEASE)**

15 On January 12, 2011, a Petition to Revoke Supervised Release [Doc. 530] was filed,
16 an Arrest Warrant [Doc. 531] issued, and Defendant Mary Elizabeth Schipke was arrested.
17 The Defendant was initialed [Doc. 533] on said Petition on January 14, 2011, and an
18 Admit/Deny Hearing was scheduled for February 7, 2011, before this Court. A Superseding
19 Petition to Revoke Supervised Release [Doc. 535] was filed on January 27, 2011. On
20 February 1, 2011, Defendant filed a Motion for Emergency Hearing Regarding Detention and
21 Conditions of Detention [Doc. 536], which was set for hearing on February 3, 2011, before
22 this Court. At said hearing [Doc. 543], defense Counsel advised that the Admit/Deny
23 Hearing scheduled for February 7, 2011, would, in fact, be an Evidentiary Hearing. The
24 February 7, 2011, hearing was rescheduled for February 16, 2011.

25 An Amended Superseding Petition to Revoke Supervised Release [Doc. 546] was
26 filed February 11, 2011, which came on for Evidentiary Hearing before this Court on
27 February 16, 2011. The Government called as witnesses Barbara Wentz, John Cruz, Donna
28 Salazar, U of A Police Officer Ian Kelly, U of A Police Officer Martin Ramirez, Tonya

1 McCracken, and Andrea Sanders. The defense called as witnesses Agent Andrew
2 Tuzzolino, Joe Dopadre, and Defendant.

3 Having considered the briefing, arguments, and evidence presented, **THE COURT**
4 **FINDS** that the Defendant violated the law as alleged in Allegations A and B of the
5 Amended Superseding Petition to Revoke Supervised Release and that the Defendant did not
6 commit the offense alleged in Allegation C of the Petition, i.e. the false reporting statute.

7 **IT IS ORDERED** that a Disposition Hearing is scheduled before District Court Judge
8 Cindy K. Jorgenson on April 21, 2011, at 10:30 a.m.

9 The parties have fourteen (14) days from the date of this Report and Recommendation
10 to file a Notice of Appeal with the District Court.

11 DATED this 28th day of February, 2011.

12
13 
14 _____
15 Bernardo P. Velasco
16 United States Magistrate Judge
17
18
19
20
21
22
23
24
25
26
27
28